

REMARKS

I. Status of Claims

Claims 1-53 are currently pending. Claims 1-30, 33-41, and 44-53 have been allowed. Claims 31, 32, 42, and 43 stand rejected. Without prejudice or disclaimer, claims 31 and 32 are amended to further clarify the scope of the numerical ranges contained therein. Support for these amendments may be found in the as-filed specification and claims. Accordingly, no new matter has been added.

Applicants respectfully acknowledge the withdrawal of the prior rejection under 35 U.S.C. § 102(e) over U.S. Patent No. 6,113,925 to de la Poterie, in view of the Declaration under 37 C.F.R. § 1.132, filed November 19, 2007. In the Office Action, the Examiner indicates that claims 1-30, 33-41, and 44-53 are allowed. Office Action at 3. Applicants acknowledge and appreciate the Examiner's indication of this allowable subject matter. Applicants respectfully submit that all claims are allowable for at least the following reasons.

II. Rejection Under 35 U.S.C. § 112

The Examiner rejects claims 31, 32, 42, and 43 under 35 U.S.C. § 112, second paragraph, as allegedly being "indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention." Office Action at 2. In particular, the Examiner contends that the claims contain the phrases "less than about" or "greater than about" when "describing 'molecular mass' of the coupler and the film-forming polymer." *Id.* at 2-3. The Examiner states that "[i]t is unclear to the examiner if it is 'less than,' 'greater than' or 'about' are the intended values." *Id.* at 3. Applicants respectfully traverse. When determining a claim's definiteness in compliance

with 35 U.S.C. § 112, second paragraph, the Examiner's focus should be whether the claim meets "the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available." M.P.E.P. § 2173.02

Applicants respectfully point out to the Examiner that none of the claims at issue contain the word "about." Moreover, with respect to claims 42 and 43, Applicants respectfully submit that those claims contain clear statements of the intended values. Claim 42 recites "a number-average molecular weight of less than or equal to 300 000." Applicants respectfully submit that the use of phrase "less than or equal to" a value clearly indicates the value being claimed. In addition, claim 43 recites "a number-average molecular weight ranging from 10 000 to 150 000," which clearly states a range and does not contain the phrases "less than," "greater than," or "about" as asserted by the Examiner.

Applicants also respectfully submit that claims 31 and 32 contain clear statements of the intended values. However, solely in order to further prosecution, Applicants amend claim 31 to recite that the coupler "has a molecular mass ranging from greater than or equal to 50 to less than 500," and claim 32 to recite that the coupler "has a molecular mass ranging from greater than or equal to 75 to less than 500." Applicants submit that these amendments render the rejection for alleged indefiniteness moot and respectfully request that the rejection be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

If the Examiner believes a telephone conference could be useful in resolving any of the outstanding issues, he is respectfully urged to contact Applicants' undersigned counsel at 202-408-4368.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 9, 2008

By: Deborah M. Herzfeld
Deborah M. Herzfeld
Reg. No. 52,211